

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN HUFF, as Chairman of the Board of Trustees of  
TEAMSTERS LOCAL 445 FREIGHT DIVISION  
PENSION FUND,

Plaintiff,

Civil Action No. 07 Civ 5926  
(CLB)(MDF)

-against-

MID-HUDSON STEEL CORP., GRAMMER, DEMPSEY &  
HUDSON, INC., BRIDGEPORT STEEL CO., BUELL  
SPECIALTY STEEL CO., PABRICO STEEL  
FABRICATORS, INC., ELKHART SCRAP METALS CORP.,  
ELKHART SCRAP LIGHT HAULING, ZINC  
CONSTRUCTION CORP., and AIROTRAX, INC.,

Defendants.  
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**DEFENDANTS' RESPONSES TO PLAINTIFFS' RULE 56.1 STATEMENT OF FACTS  
AND RULE 56.1 STATEMENT OF FACTS IN SUPPORT OF ITS OPPOSITION TO  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

**Responses to Plaintiffs' Statement of Facts**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.

10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. Admitted.
15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted.

**Defendants' Statement of Facts Pursuant to Rule 56.1**

1. At the time of the cessation of contribution to the Local 445 Freight Division Pension Fund by Mid-Hudson Steel, the liabilities of the company exceeded the value of the assets of the company. *Affidavit of James F. Hudson, Para. 2.*

2. Mid-Hudson Steel ceased operation and liquidated its assets. *Affidavit of James F. Hudson, Para. 3.*

3. After its liquidation, Mid-Hudson did not have funds to make payment of any liability, including the withdrawal liability asserted by the Funds. *Affidavit of James F. Hudson, Para. 4.*

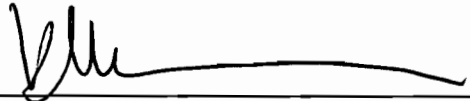
4. On May March 15, 2005, Counsel for Mid-Hudson Steel sent legal counsel for the Plaintiff notice that the amount of the withdrawal liability was disputed and requesting arbitration. *Affidavit of Keith R. McMurdy, Para. 3.*

5. Neither the Fund nor its Counsel ever responded to the request for arbitration. *Affidavit of Keith R. McMurdy, Para. 4.*

Respectfully submitted,

FOX ROTHSCHILD LLP  
*Attorneys for Defendants*  
*Grammer, Dempsey & Hudson*  
*Mid-Hudson Steel, Bridgeport Steel.*  
*Buell Specialty Steel and Pabrico Steel*

Dated: July 15, 2008

By: 

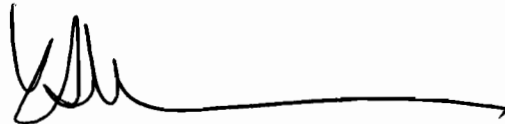
Keith R. McMurdy  
100 Park Avenue, Suite 1500  
New York, New York 10017  
(212) 878-7900  
(212) 692-0940 (Fax)  
e-mail: kmcmurdy@foxrothschild.com

**CERTIFICATE OF SERVICE**

A true and accurate copy of the foregoing Rule 56.1 Statement of Defendants was served upon the following by regular U.S. Mail, postage prepaid, and by utilization of the electronic filing system of the Clerk of Courts of the United District Court for the Southern District of New York:

William D. Frumkin, Esq.  
Sapir & Frumkin LLP  
399 Knollwood Road, Suite 310  
White Plains, New York 10603

I do so certify.



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Keith R. McMurdy

Dated: July 15, 2008